

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

CIVIL MINUTES

Case No. **CV 05-106 BR**

Date of Proceeding: **August 10, 2006**

Case Title: **Ellison v. Sybron Dental**

Presiding Judge: **Anna J. Brown**

Courtroom Deputy: **Steven L. Minetto**

Tele: (503) 326-8053

e-mail: Steven_Minetto@ord.uscourts.gov

Reporter: **N/A**

PLAINTIFF'S COUNSEL

DEFENDANT'S COUNSEL

**DOCKET ENTRY:
RECORD OF ORDER**

The Court has completed its consideration of Plaintiff's Motion to Voluntarily Dismiss and Refile or Alternatively to Amend and Reschedule (#37).

Pursuant to Fed. R. Civ. P. 15(a), the Court has discretion to grant or to deny Plaintiff's request to amend his Complaint. The Court acknowledges the parties have identified factors that weigh for and against such an amendment. In the exercise of its discretion, the Court concludes the interests of justice are best served by resolving all of Plaintiff's claims and Defendant's defenses in this single action, including Defendant's contention that there is not any evidence to support Plaintiff's allegations in the first instance.

The Court, therefore, **GRANTS** Plaintiff's Motion to the extent Plaintiff seeks leave to file his proposed Amended Complaint; directs Plaintiff to file the Amended Complaint no later than August 15, 2006; and sets August 28, 2006, as the deadline for Defendant to file any responsive pleading to the Amended Complaint.

The Court notes the parties are scheduled to participate in a settlement conference before Judge Stewart on September 19, 2006, and that the parties are due to file their proposed Pretrial Order on October 12, 2006. If, after the Settlement Conference, it appears to Defendant that additional time is needed to address before trial any new matter raised in the Amended Complaint, Defendant must file any request for extension of time no later than October 2, 2006.

cc: () All counsel

DOCUMENT NO: _____

Civil Minutes
Hon. Anna J. Brown